

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LAMONT O. DOUGLAS,

Petitioner,

v.

RAYMOND ROYCE, et al.,

Respondents.

Civil Action No. 21-17884 (MAS)

MEMORANDUM ORDER

SHIPP, District Judge

This matter comes before the Court on the Court's review of Petitioner's habeas petition. (ECF No. 1.) By way of background, Petitioner filed a habeas petition in June 2021. (*See Douglas v. Gramps*, Docket No. 21-12989, at ECF No. 1.) In July 2021, this Court administratively terminated that petition as Petitioner failed to use the required form. (*See Douglas v. Gramps*, Docket No. 21-12989, at ECF No. 3.) Petitioner thereafter filed an amended petition in his original habeas matter in September 2021. (*See Douglas v. Gramps*, Docket No. 21-12989, at ECF No. 4.) A few weeks later, Petitioner filed his petition in this matter. (ECF No. 1.) Petitioner's habeas petition filed in this matter is in most respects identical to the amended petition he filed in his original habeas matter, with only slight differences in the order of presentation of certain claims in Petitioner's attached argument sheets.¹ (*Compare* ECF No. 1 to *Douglas v. Gramps*, Docket

¹ Although Petitioner changed the respondent in his most recent petition from Douglas Gramps to Raymond Royce by crossing out the name of Gramps and writing in the name of Royce, this is not truly a change to the Respondent – both Gramps and Royce were named in their capacity as warden/administrator of the prison in which Petitioner is housed – New Jersey State Prison. The true party in interest essentially remains the same – the warden of the prison in his official capacity,

No. 21-12989, at ECF No. 4.) As Petitioner's newly-filed petition is therefore clearly duplicative of the amended petition filed in his original habeas matter, Petitioner's habeas petition (ECF No. 1) must be dismissed without prejudice. *See, e.g., Fabics v. City of New Brunswick*, 629 F. App'x 196, 198 (3d Cir. 2015). Petitioner should make any future filings related to his pending habeas petition in his original habeas matter, Docket No. 21-12989.

IT IS THEREFORE on this 12th day of October, 2021, **ORDERED** that:

1. Petitioner's habeas petition (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE** as duplicative of the amended petition filed in Petitioner's original habeas matter (*Douglas v. Gramps*, Docket No. 21-12989, at ECF No. 4).
2. The Clerk of the Court shall serve a copy of this Order upon Petitioner by regular mail, and shall mark this matter as **CLOSED**.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

and the change in Respondent's name is not a material change between the original amended petition and Petitioner's petition filed in this matter.